

TRIUNE

NEWSLETTER FOR SHAPING A NEW FORM OF UNIVERSITY

- The cultivation of a living, imaginative thinking as the fundamental aim in teaching and research – the inseparability of science and art.
- Goethean-style phenomenology as orientation in relation to all faculties; awakening the eye of the spirit.
- The university as the expression and practice of the threefold social life.

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NEW LEGAL EDUCATION AND CONSCIOUS AGREEMENT

An interview with Myles Watson

TRIUNE: What in a nutshell do you think is the problem with legal education today?

Myles Watson: The current legal education does what it is asked to do very well. It produces young lawyers and a lot of politicians of course. It has become a production line for 'policy' developers, that is, for the bureaucracy, and for corporations too. We have to ask: what has our legal thinking, our system of laws, our system of law making and the oversight of law – the courts and the police – become? Increasingly the legal system functions just so as to say: 'you can do this', 'you can't do that'. Or that's what it would

like to do ever-increasingly. So we have an ever more regulated world where you have the parliament trying to spread the tentacles of the law.

That said, if you're a person entering legal education today you will find, like many other areas of university education, that it supports a lot of alternative ideas. You can do or think almost anything during your studies. It's just that when you get out the door those things pretty well cease to be possible. Those who have humanitarian ideals, environmental ideals and so on, or if you are a student who enters legal training with a desire to understand the world, you understandably expect a law degree will be a pathway into such ideals. However, when students come out the other side of the 'machine' they suddenly find that the real world is after all not all that interested in such matters.

And I don't think the current legal training has prepared them for that conflict.

TRIUNE: Then what kind of legal training *would* prepare them?

Myles Watson: We need to look at helping the young adult develop the faculties, the inner preparation necessary for this confrontation with the world. The first issue is the fact – and it's probably the case in medicine too in many respects, although medicine may be more open – that there is a board of legal education that sits outside all the universities and determines to a considerable extent what is taught in a law degree.

So we can consider a new approach to legal education, but one which runs in parallel. In this case I would first ask the question: What does someone with legal training actually do in their work? We would need to look phenomenologically at what a lawyer actually does. And then we'd go backwards from there to find what is needed to breathe new life, humanity into the work.

Many, many lawyers deal with things like taxation, construction laws, and all the endless regulation of the modern world. They are often involved with clients who want them to achieve a certain end – irrespective of the lawyer's own sense of purpose or morality. We identify the lawyer as dealing with disputes or conflicts; the lawyer usually is brought in when a field of action has broken down and there is a dispute. There are now alternative forms of dispute resolution and even something called 'collaborative practice' which have been developing over the last several decades in the hope that the extent of disputes in the world may reduce, or at least the toll they take on the people involved. But I think that if the aim is to make progress, we may need to look at these things differently.

For example; the other side of dispute is agreement. I would suggest that the most critical thing in developing a legal education which really deals with the human being in context, would be start to ask ourselves: What is the nature of agreement – human agreement? What is it to reach agreement, and when does it happen?

TRIUNE: Why do you put the emphasis on agreement rather than dispute?

Myles Watson: Because human life starts with agreements, and consists almost entirely of 'agreements'. When we start to look at that, we get to the real fundamentals of human relationships, of the social sphere. From here we can even see a way to a 'lawfulness' of the future that operates quite independently of a legal system - and of course it already does, in that most of us just get on with sorting things out when they appear to go wrong. Nevertheless, this can go much further, and a good lawyer has to develop a feeling for the nature of agreement. Agreement at the human level is: why are we here? What is bringing me, and you, together in this human field of action?

I try to refer here to Agreement, in the manner of Orland Bishop. His approach brings the individual closer to recognising that events of destiny are forms of agreement in themselves – even if it is an event I'd rather had not happened at all! Beyond this, Orland describes the possibility of the individual finding the way into the heart of a new 'willingness', where agreements are formed, or disputes of all manner resolved out of a desire for sacred hospitality and service, in the most practical sense: "What do you need from me, so that you may be more fully yourself?" Which in the context of this discussion, may be to ask: what do you understand our (life) agreement to be, which I may have forgotten?

So the question “what is agreement?” is followed by questions like “what is trust?”. How can we help a student to learn about trust and to understand how people come to meet one another in all the many contexts of life?

TRIUNE: Is it just philosophical? Just students talking about it in a seminar?

Myles Watson: No, it goes much deeper than that. It is actual, in context. It’s never theoretical. An understanding of, or a strong feeling for the working of destiny would have to be at the core of those who are teaching. When we talk about these things we’re really entering into questions of far-reaching significance for individuals, relationships, and society as a whole, because we ask ourselves and each other: “Why are we actually here, what aims have we set to achieve in mutuality in this life?” Because if we really believe in the phenomenology of human life as a whole, then we recognize that our deep-seated agreements are really at the centre of everything we do. And I believe that people very often know this, even if only sub-consciously. The more aware of this that peace-makers, troubleshooters, and lawyers are, the more chance that our disagreements and conflict will lead to positive developments.

But I don’t see how one could open up a different approach to legal education unless we are prepared to head in this direction. Teachers

who understand this deeply will then be able to lead students into actual experience. Are we just subject to the chaotic events of life, or can we discern meaning and purpose? As a lawyer, of course, it’s not just about yourself, it’s about helping other people. One needs to try to develop a fine sense of what’s going on between other people as well.

“Civil law is a legal system rooted in the Roman Empire and was comprehensively codified and disseminated starting in the 19th century, most notably with France's Napoleonic Code (1804) and Germany's Bürgerliches Gesetzbuch (1900). Unlike common law systems, which rely heavily on judicial precedent, civil law systems are characterised by their reliance on legal codes that function as the primary source of law. Today, civil law is the world's most common legal system, practiced in about 150 countries.

The civil law system is often contrasted with the common law system, which originated in medieval England. Whereas the civil law takes the form of legal codes, the common law comes from uncodified case law that arises as a result of judicial decisions, recognising prior court decisions as legally binding precedent.” Wikipedia

TRIUNE: A lecturer could deliver these inspiring thoughts about agreement and trust. But what then can the students do in their own phenomenological research?

Myles Watson: I’d suggest, that in addition to including artistic experience, nature observation and not to mention rigorous training that brings the student into life itself, a course of study that would be very relevant to developing clear, perceptive thinking, sound judgement, and a

finer sense for the world and relationships, would be one based around the so-called Subsidiary Exercises of Rudolf Steiner. These five or six exercises can become a life discipline, and play a huge part in developing a keen inner life that is suitable to, and strong enough for the world. One might say these can be the cornerstone of an inner phenomenology. Each of these exercises could be developed into a very practical course of study that comes to grips with what it is to be human. A young person who becomes interested in the human, will naturally

develop an interest in philosophy, religion, and historical foundations of social matters.

I also have a developing idea that I call the Art of Free-spiritedness (a working title). In my imaginings it is aimed at the person who is seeking to find a way to shift out of the ruts of life. It involves finding simple 'exercises' that emerge from the phenomena of life, but in their practice have the power to change circumstances that can seem unchangeable. I see a point of connection to developing life perception insofar as this practice has to do with learning to observe habits - the given - and through an act of will, causing subtle change. In time and with repeated instances, what is subtle can become quite powerful. To me, such practices could be central to adult education, and essential preparation for any professional who seeks to be active rather than passive. Lawyers, doctors, and other regulated professions could all benefit from a foundational awareness-raising of these principles.

TRIUNE: What do you think about Valentin Tomberg's views on "the art of the good" and "fallen justice" as ways toward a new legal training?

Myles Watson: Tomberg's thoughts are from the 1940s – a seemingly distant world away! It's not that he's wrong or that that world is past. It's probably a far greater struggle now than it was then. You wouldn't take for granted now what might have been taken for granted then; even the basic level of independent thinking. I think we would need to take these ideas, but our philosophy now needs to be so much more practical. I don't think that a study of philosophy which is just "out there" is going to be of great help.

I think our philosophical needs have become spiritual needs. And generationally, if you go from Tomberg to now, we might be less

obviously religious generally, but actually I find people are increasingly far more spiritually aware, even if they don't always have words for it. And so we need to support that spiritual awareness very practically, I think, so that it becomes actual perception. And that goes to the heart of education.

TRIUNE: You talk about the phenomenological approach to legal education, seeing things in their context.

Myles Watson: It's very difficult for the human being, as an individual, to find a space or place in which to just 'be'. Beyond this, the law is very much a human societal creation; it's probably the most removed thing from anything you might call natural. And that creates real difficulties. Good lawyers who are fortunate enough to be able to work with their own sense of humanity, can often perceive quite clearly why a particular situation of conflict is unfolding as it is. Given the opportunity, they may be more like counsellors. But more than that, they may need to be more like a doctor, even a psychiatrist called upon to make clear even if sometimes difficult judgements: "I can see what brought you to this point, but I can also see a future". So it is future orientated, and hopefully less living in the past.

One of the main issues which increasingly obstructs this phenomenological approach is the increasing predominance for the Roman styled law in preference to what we might know as English law. That dichotomy and the differences of each can be helpful to understand. We are notionally in an English law country but really, in the past fifty to seventy years, we have become much more Roman. Our system of legality is increasingly becoming Roman, which is to say - we are run by statutes and the role of the judge is gradually diminished. And the statutes are a codification of law. And as Rudolf Steiner notes,

codified law doesn't leave much flexibility for the human being.

So, we've got people who are inclined towards, who want to come into this system as professionals. So we need to understand the difficulties they face because the system is pushing a highly regulated, highly codified approach. ≈

Myles Watson originally studied music and was a professional clarinettist until his mid-20s. He then worked in business administration and finance until he began his legal studies in his mid 30s. He gained a Masters in Law (Juris Doctor) from Monash University in Melbourne, before becoming a Principal Solicitor specialising in Supreme Court litigation, mostly concerning land covenants.

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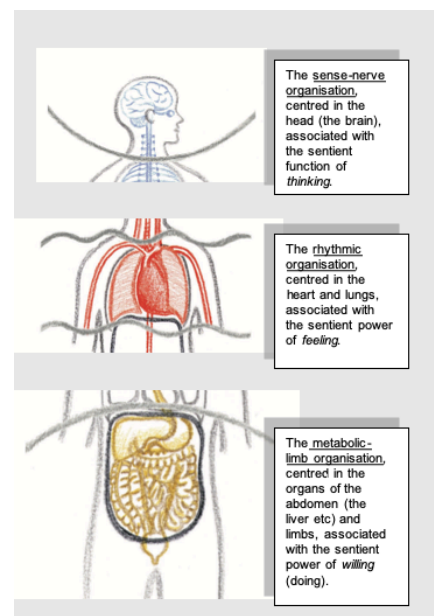
LAYING THE FOUNDATIONS FOR THE DEVELOPMENT OF A TRUE LEGAL SYSTEM

Rudolf Steiner

The vitalisation of the legal life will, it seems to me, be brought about in a very natural way in the threefold social organism. How should we think of this formation of the threefold social organism in concrete terms? Truly in a similar way - it is not intended to express a mere analogy - truly in a similar way as one has to think of the organic threefoldness in the natural human organism.

The view that the heart is a kind of pump that drives blood to all possible parts of the organism, this view must be overcome for physiology. It must be recognised that the activity of the heart is the result of the balanced

interaction of the other two activities of the human organism: metabolic activity and nerve-sense activity. If a physiologist who is grounded in reality now wants to describe this human organism and its functioning, then in general it is only necessary to describe the metabolic activity on the one hand and the nerve-sense activity on the other in a truly objective way, for it is through their polar interaction and interpenetration that the balancing rhythmic activity arises; this is already formally present. This is something that must be taken into account if we want to imagine life in the threefold social organism. This life in the threefold social organism can only be truly imagined if one still has a sense of the practice of life.



When I had published a few things and spoken about threefolding in a variety of ways, I was met with the objection that it is indeed difficult to imagine how the law can acquire content when it is to be separated in life from the spiritual part of the social organism on the one hand and the economic part on the other. People understand the law in such a way that they only recognise a kind of formalism on the one hand. On the other hand, they believe that this formal system acquires its material content from the economic needs of the social organism.

On the basis of such views, I was told that law cannot be separated from economic life for the simple reason that the forces of economic life must produce the legal statutes by themselves. When one includes something in one's concepts, one constantly thinks of something inanimate, of something that just amounts to making statutes, for example, from economic forces, which are then codified and can be used as a guide. One mainly thinks of the fact that such codified statements exist and that one can look them up.

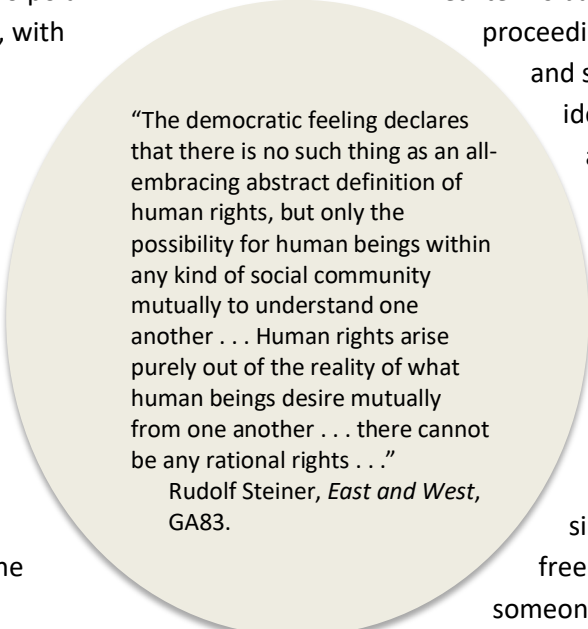
In the natural, living threefold organism, we are dealing, I might say, with two polar opposites: on the one hand, with spiritual life and, on the other, with economic life. Spiritual life, which arises when people are born and develop into existence through their own actions, represents a reality through its own content. The fruitful side of intellectual life will develop if no restrictions are imposed by any standards that limit what one can do. The fruitful side will develop quite naturally simply because it is in the interest of people that those who can do more and have greater abilities can also achieve more. It will be a matter of course that, let us say, a person is taken on as a teacher for a number of children, and those who are looking for a teacher can be sure that he can achieve the desired results in his sphere. If intellectual life is truly free, the whole structure of intellectual life arises out of the nature of the matter itself; the people who are part of it work in this intellectual life.

On the other hand, we have the economic part of the threefold social organism. Here the structure of economic life arises out of the needs

of consumption and the possibilities of production, out of the various interrelations, out of the relationships that arise. The various relationships that can play between people and people or between groups of people and individuals or between different groups of people also play a role. All of this will move economic life.

And in these two areas, what is called "law" is actually out of the question, insofar as these two areas take care of their own affairs. If we think in real terms – of course people today do not think in real terms but in theoretical terms, proceeding from what already exists, and so they confuse the legal ideas that the spiritual realm already has with the legal ideas of the economic realm – if we think in real, practical terms, then in the free spiritual life we do not consider legal impulses at all, but we consider impulses of trust, impulses of ability. It is simply absurd to speak in the free spiritual life of the fact that someone who is able has a right to work. There can be no question of speaking of such a right, but one must speak of the fact that one needs him, that he should work. The one who can teach children will naturally teach, and there will be no question of whether or not there is an entitlement; it is not somehow a question of right as such.

It is the same in economic life. Written or oral contracts will play a part, and confidence in the observance of contracts will have to play a part. If economic life is left to its own devices, the fact that contracts are being observed will be seen in the simple fact that economic life cannot function if contracts are not observed.



But now we must bear in mind that in these two spheres, in these organs, in the economic sphere and in the spiritual sphere of the threefold social organism, these things live side by side. If we now honestly consider how this coexistence can be organised democratically, with people living side by side in the two areas - in the economic structure and in the spiritual structure - then the necessity arises for the relationships to be defined from person to person. Here the living necessity simply arises that the one who, let us say, stands at some post of spiritual life, has to establish his relationship to many other personalities and so on. These living relationships must arise between all mature people, and the relationships between mature people and non-mature people arise precisely from the relationship of trust in the field of spiritual life. But all the relationships that arise from the living forces on the one hand of economic life and on the other of spiritual life, all these relationships require that, to a certain extent, people who have come of age begin to define their relationships in their spheres of life among themselves. And this gives rise to a living interaction, which will, however, have the peculiarity that these determinations - because life is alive and cannot be constrained by norms - must be flexible.

An absolutely codified law would appear to be something that contradicts development. If you had a rigidly codified law, it would be basically the same as having a seven-year-old child whose organic life forces you would now determine and, when the child has reached the age of forty, would demand that it still live by them. The same applies to the social organism, which is indeed a living organism and will not be the same in 1940 as it was in 1920. For example, in the case of land, it is not a matter of laying down such codified law, but rather it is a living interrelationship between the soil and the personalities who stand in the other two characterised areas - the spiritual and the

economic - and work in such a way that everything can be kept in flux, in order to be able to also change and metamorphose the true democratic soil on which all people live their present relationships. This is what needs to be said with regard to the establishment of public legal relationships.

Criminal relationships arise only as a secondary matter when individual personalities act in an anti-social way against what has been established as the right relationship between people who have come of age. However, when considering criminal law in the context of the threefold social organism, it becomes clear that it is necessary to take a closer look at the justification of punishment in a more practical and realistic way. I must say that the much-vaunted legal science has not even managed to develop a clear legal concept in this area.

There is a now rather old work, "Das Recht in der Strafe" (The Right to Punish) by Ludwig Laistner. In it, the introduction presents a history of all theories about the right to punish: deterrence impulses, educational impulses, and all the rest. Laistner shows, above all, that these theories are actually quite fragile, and then he comes to his own theory, which consists in the fact that one can only derive a right to punish from the fact that the criminal has entered the sphere of the other person through his own free will. Let us assume, then, that one person has created some circle of life for himself, and that is also hypothetical; the other person enters this circle of life by entering his house or his thoughts, for example, and robbing him. Now Ludwig Laistner says:

He has entered my sphere of life, and that is why I have power over him; just as I have power over my money or my own thoughts, so I now also have power over the criminal because he has entered my

sphere. This power over him is conceded to me by the criminal himself by entering my sphere. I can now realize this power by punishing him. The punishment is only the equivalent for him entering my circle.

That is the only thing that can be found in legal thinking about the justification of punishing a criminal. Whether this happens directly or in a figurative sense, by having it carried out by the state, are secondary questions.

But why are these things actually unclear? Why is there something that constantly prevents us from having really clear-cut concepts? Because these concepts are taken out of social conditions that are already full of ambiguities. It presupposes that there is an organism present and that through the organism there is living movement and thus circulation – just as the heart presupposes that other organs are present in order for it to function. The legal institution is, in a sense, the heart of the social organism and presupposes that other things will unfold; it presupposes that other forces are already present. And if there is any lack of clarity in these other circumstances, then it is also quite natural that there can be no clearly defined legal system. But a clearly defined legal system will come about precisely because the other forces that are inherent to the other members of the social organism are allowed to develop in this three-part social organism. Only in this way can the foundations be laid for the development of a true legal system.

Above all, we have not even clearly raised the question today: What is the actual content of the legal system? Yes, you see, in a certain sense, a legal science must be very similar to mathematics, to a living mathematics. But what would we do with all our mathematics if we could not realize it in life? We must be able to apply it. If mathematics were not a living thing and we could not apply it in reality, then all our mathematics would be no science at all.

Mathematics as such is, first of all, a formal science. In a certain sense, a properly elaborated jurisprudence would also be a formal science first of all. But this formal science must be such that the object of its application is encountered in reality. And this object of its application in reality is the relationships of people who have come of age and live side by side, who not only seek a balance between their spheres of life here, but are also still within the spiritual and economic links of the social organism.

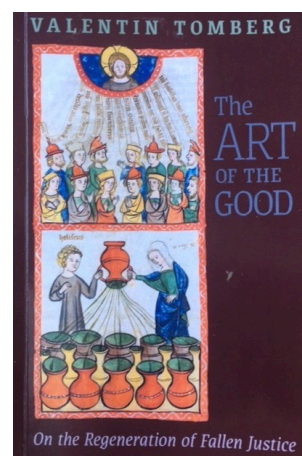
Thus, only the threefold structure of the social organism will really make it possible for public thought to be formed, and a right that is not publicly thought is not a naturally established right. The social threefold would make it possible for such legal concepts to be formed publicly, which would then be flexible. ≈

From a discussion following a lecture on 6th April, Dornach, 1920. GA 73a



VALENTIN TOMBERG'S INDICATIONS TOWARD A NEW LEGAL TRAINING

Nigel Hoffmann



THE FALL OF JUSTICE

Tomberg's indications for a new legal training grew, to a large extent, out of his deep immersion in the work of Rudolf Steiner over many years, with a particular emphasis on Steiner's early Goethean science studies. His book *The Art of the Good: On the Regeneration of Fallen Justice*, published for the first time in English in 2021, was adapted from his thesis for a Doctor of Law, completed in 1945 in Cologne.

The first chapter of the book is devoted to an exposition on the degeneration of jurisprudence, Part II to the nature of true jurisprudence, Part III to its potential regeneration. It is in this last part that he outlines the principles of a reform of university law training. This training he considers as essential to the regeneration of jurisprudence.

The central theme of the fall of justice is introduced in first chapter by comparison of natural science and true legal thought; specifically, Tomberg comments on Goethe's as opposed to Newton's understanding of colour. Newton's understanding of colour and light is purely quantitative, a matter of numbers which are used to "explain" phenomena in a way which excludes the evaluating activity of the knower. It was the opposite with Goethe who sought not to explain colours but to *understand* them, and that means to draw them ever closer to the "essential moral core" of the human being which can grasp them as a moral quality. In the words of Tomberg:

For Goethe, to know is to transform the externally qualitative aspects of a phenomenon into an inner quality, that is, in the final analysis, to elevate them to the status of *moral values*. Such "elevation" does not however consist in *inserting* a human

value-judgement into the object, but, on the contrary, in the object's making an ever stronger and clearer impression on human beings by being brought closer to them.¹ This is closely related to the true nature of jurisprudence which can only be properly understood as qualitative. The facts (phenomena) of a case *cannot* be evaluated quantitatively (mechanically) or by merely appraising the statutes relevant to one or other country or state (these days these things are done very well by AI). The bare facts of the matter must be brought toward the moral core of the human. Any ruling on these facts by a judge would remain arbitrary whim "if there were no moral judgement that possessed objective validity and rested on a perception internalised to the point of attaining moral significance". (p.24)



Justitia by Maarten van Heemskerck, 1556. Justitia carries symbolic items such as: a sword, scales and a blindfold.

¹ V. Tomberg, *The Art of the Good: On the Regeneration of Fallen Justice*, Angelico Press, NY, 2021, p.23.

Justice, in other words, is phenomenological; is it perceived with inner eye in and through the phenomena themselves. Justice as a moral value is thereby grasped as a spiritual reality, not merely as a mental construct.

The fall of justice has had a long history which Tomberg explores. The key point in this history is as follows:

If thinking is torn from its natural connection with the moral and the religious, and oriented instead toward the so-called "mere facts" ... it relinquishes all gravity and inner value and becomes a mere tool used for the purposes one selects or one considers to be demanded by the facts or by other people. (p.31)

Law then becomes a matter of whatever suits the will of whoever is in power at any given moment. That was obviously true at the time when Tomberg was writing – the autocracies which rose up in the Russian Revolution and in World War II. It is equally true now with governments around the world together taking up positions and agendas completely independent of the democratic will of the people.

A NEW LEGAL TRAINING

Tomberg proposes a training in four stages but I will do here what another commentator - Professor Brian M. McCall - has done, which is to divide Tomberg's indications into *Reform of Pre-law Education* and *Reform of Law Education*.²

Reform of Pre-law Education

Medical faculties at universities currently have certain prerequisites; namely, chemistry, biology, physics, mathematics, in order to apply for admission. With the law faculty this is not the case and it is this lack which Tomberg first seeks to address. The first task of this training is intended "to arrive at the capacity for principled, logical thinking". (p.102). It does through a pre-university student thinking through central problems of philosophy, in particular freedom, and also the philosophy of religion. The aim is to guide students towards "esteeming values according to their moral weight". (p.102). This, says Tomberg, is preliminary to the later capacity for moral thought which he says usually develops in more mature years.

Based on Tomberg's principles, McCall suggests the following as a prerequisite checklist:

1. A course in classical logic;
2. A course in rhetoric and argumentation;
3. A course in the philosophy of nature;
4. A course in ethics (individual morality) and political morality;
5. A course in natural theology or what is sometimes called today the philosophy of religion;
6. Fluency in Latin and one other language other than English.

Although, in the last part of Tomberg's book, on legal training, no mention is made of Goethean phenomenology, it would be reasonable to suggest this could be vital as a practical orientation course for students in pre-legal studies and continued into the legal studies proper. It wouldn't be undertaken at school level but at a university it could be prior to or simultaneous with the first stage of the legal training which Tomberg outlines – just as his initial discussion of Goethe's colour understanding and perception of moral value in

² Professor Brian M. McCall, Orpha and Maurice Merrill Chair in Law, University of Oklahoma. https://digitalcommons.law.ou.edu/fac_articles/242/

natural science forms an orientation to *The Art of the Good*. The kind of intuitive-imaginative thinking by which Goethe was able to perceive the moral value of colours, plants and animals trains the juridical thinking necessary to intuitively perceive justice as moral value.

Reform of the Legal Curriculum

Having completed these necessary prerequisites, Tomberg argues that legal education should begin with the philosophy of law “as a kind of ‘universal part,’ not only in relation to all the other individual specialised areas of jurisprudence, but also in relation to all the individual national legal systems . . . ” (p.102). Tomberg also argues that extensive legal history needs to be integrated into the course of study. This is much more than the history of contemporary law – it would include Roman law, medieval canon law and the common law of the nineteenth century, as essential to “learn to think juridically”.

After completing a general study of the philosophy of law and comparative law, the study of particular topics within the student’s particular legal system can begin. That would include property law, torts, civil and criminal procedure. Many seminars and practicums would be involved. Tomberg concedes that such a training would take longer than a law degree currently does, that it is likely to involve

something like the five years taken for a medical training.

Tomberg’s considers his indications for a new university law training as essential for the regeneration of fallen justice. This aim accords with other proposals for academic renewal – in the life and social sciences and in medicine for example - which seek, through the freedom which has been acquired through the “fall” into materialism and mechanistic thinking, the total resurrection of academic education into spiritual understanding. ≈

Valentin Tomberg was born in St Petersburg in 1900. His studies in law at the University of St Petersburg were interrupted by the Russian Revolution. During World War II he converted to Catholicism. He became the president of the Estonia Anthroposophical Society in 1932. One of his other books is *Christ and Sophia: Anthroposophic Meditations on the Old Testament, New Testament, and Apocalypse*, SteinerBooks, 2006. He died in Majorca, Spain, in 1973.

LINKS AND INITIATIVES

This space is reserved for news, relevant links and outlines of initiatives.

AUSTRALIA

INDUS UNIVERSITY PROJECT

<https://www.educationforsocialrenewalfoundation.com/>

MISSION STATEMENT OF THE NEWSLETTER

To help develop an international community of people together striving to shape a new kind of university. **Please share this newsletter widely.**

To share insights and information which will help to develop the content, methods and organisational principles of this kind of university

BACKGROUND – ON THE EVOLUTION OF THE UNIVERSITY

The university, since its inception in the medieval people, has become a central organ of the cultural and spiritual life of society. It has been called a “little city”, a melting pot for new ways of thinking and for shaping the world creatively.

All knowledge in the medieval university was unified by faith in a transcendent God. During the time of Renaissance humanism, and later in the early-modern Kantian and Humboldtian universities, the human rational faculty became seen as the unifying power. The university came to be thought of as a centre for universal knowledge. The modern university can better be called a “multi-versity”; faith in God or the rational striving toward the universality of knowledge is not its central concern. It is essentially materialistic in outlook, serving mainly practical ends through its teaching and research.

SHAPING A NEW FORM OF UNIVERSITY

This means stepping toward a future in which the university is completely free of the state – financially, in terms of course content, and in relation to the awarding of degrees. This freedom is the responsibility and duty of this central organ of the cultural-spiritual sphere of the threefold social organism; it is already recognised in academic freedom. Ways this freedom can be further achieved can be discussed and advanced through this newsletter.

Following the indications of Rudolf Steiner, the aim of lower and higher schooling is not to educate but to awaken – to help awaken the modern human being to the spirit, the spirit working in the human being itself. What can be achieved at the tertiary level will fructify the whole field of education into the future.

Thus we can state boldly: the aim of the new university is to help open the “eye of the spirit” to the working of creative spirit in all forms of nature and the human world. In every faculty, in every aspect of teaching and researching, the task will be to advance human life towards an understanding of the world as a manifestation of spirit.

For this reason the orientation of the new university is fundamentally phenomenological. This is the method which is taught, guided and inspired by what others have perceived in this way. Modern individuals need to learn to see for themselves.

Seeing is grounded in physical perception, in what appears to us in the world (phenomenon literally means – “what appears”). But physical appearance hides what is invisible and essential. When teaching and researching focuses one-sidedly on the physical we have everything technical, the approach which considers what is “real” as only observable, empirical phenomena. Academic thinking then becomes highly materialistic and objective. However, when teaching and learning reaches through what appears to us physically, it rises to the artistic through a “knowing of the heart”. In the works of the later Heidegger and the later Merleau-Ponty we have the vision of the invisible within the visible. We find that “more appears than appears to appear”.* The appearance hides the innate idea (*eidos*) which may nevertheless come to presence through the pathway of phenomenology; this innate idea Plato equated with *to ekphanestaton* (“what properly shows itself as the most radiant of all is the beautiful”).

The new university is focused on a highly practical, applied phenomenology, on all the phenomena which come within the scope of the different faculties. Different minerals and soil

forms; plants and animals; the forms and structures of the human body and human consciousness; the different stages in the growth of children, their different soul gestures and temperaments; all the disease and health appearances; social forms and social processes – and so on. For this advanced practical phenomenology, we look mainly to the indications of German philosopher and artist Rudolf Steiner, who in turn drew greatly on the artistic phenomenological natural science of the poet Johann von Goethe.

Editor

* R. Bernasconi, "The Good and the Beautiful" in *Phenomenology in Practice and Theory*, Martinus Nijhoff Publishers, Dordrecht, 1985, pp.179-184.